



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 03-015 (Item 03-015)

A former public employee cannot work for someone else on a “specific matter” for 10 years after the last date the employee “significantly participated” in that matter as a public employee. § 19A-13(a).¹ A former public employee is now the project manager for a company responding to an RFP to complete an inventory of all County bus stops, specifically including recommendations for capital improvements to bus stops having safety concerns. As a public employee, this employee’s duties were to plan bus service, recommend routing changes, and provide outreach to the communities affected by bus service changes. The former employee had no regulatory authority or any official responsibility concerning contracts or the bus stop program.

The former employee describe the differences between the employee’s duties as a County employee and the duties as a project manager as follows:

The purpose of the project is to develop a comprehensive inventory of all bus stops, bus stop shelters, transit centers, and transit facilities in the County. While I was employed by the [County], I was not in charge of bus stops, bus stop shelters, transit centers, or transit facilities. My role as senior operations planner was to make recommendations with regard to routes, schedules, and service areas. I was not in charge of bus stop facilities, nor did I supervise (or get supervised by) the staff who were in charge of bus stop facilities. My role was parallel to staff persons who worked on bus stop facility issues. We did confer on issues, but the day-to-day work was significantly different and there was no supervisory relationship between the senior operations planner position that I held and the primary bus stop facility staff person, who is supervising the current project. It should be further noted that none of the information that was available to me through employment with the County was confidential in any way.

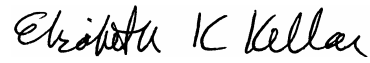
Based upon these facts the former public employee is not working for the company as a project manager on the same “specific matter” that the former employee worked on as a public

¹ Unless indicated otherwise, all references are to the Montgomery County Code (1994), as amended.

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employee. While both matters broadly involve buses, the similarity ends there. These are not the same "specific matter." Thus, there is no violation of § 19A-13(a).

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "Elizabeth K. Kellar". The signature is written in a cursive, flowing style.

Elizabeth K. Kellar, Chair

April 8, 2003